

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

TP Industrial, Inc. (TPI)  
525 E. Alondra Boulevard  
Gardena, California, 90248

ID No: CAD 097 465 132

Respondent.

Docket HWCA 20040434

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and TP Industrial, Inc. (TPI) (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates, handles, and stores, hazardous waste at 525 E. Alondra Boulevard, Gardena, California, 90248 (Site).

2. The Department inspected the Site on June 25 and July 8, 2003, on June 29, 2004, and on August 19, 2005.

3. The Department alleges the following violations:

3.1. Respondent violated Health and Safety Code, section 25202, and Post-closure Permit (PC) 94-03-001, Part III, Section A in that on June 25 and July 8, 2003, Respondent failed to minimize the possibility for the unauthorized entry to the active portion of the facility where hazardous waste was stored.

3.2. Respondent violated Health and Safety Code, section 25202, PC 94-03-001, Part III, Section H, and Part VI, section I, in that on June 25 and July 8, 2003, Respondent failed to include required information on two of the hazardous waste labels, and three of the super sacks lacked hazardous waste labels.

3.3. Respondent violated Title 22, California Code of Regulations (CCR), section 66264.97 (b)(4), in that on June 25 and July 8, 2003, and on June 29, 2004,

Respondent failed to maintain the integrity of each on site monitoring well and prevent on-site bore holes from acting as conduits for contaminant transport.

4. A dispute exists regarding the alleged violations.
5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
6. Jurisdiction exists pursuant to Health and Safety Code section 251 87
7. Respondent waives any right to a hearing in this matter.
8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

#### SCHEDULE FOR COMPLIANCE

10. The violations alleged in this consent order have been corrected. Therefore, no further corrective action is required.

10.1. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.2. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to:

inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.3. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.2, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

#### PENALTIES

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of nine thousand one hundred twenty dollars (\$9,120.00). Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21<sup>st</sup> floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Mr. Mukul Agarwal, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substance Control  
1011 North Grandview Avenue  
Glendale, California 91201

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

12. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.1. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.2. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.3. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.4. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, this agreement.

Dated: November 9, 2005

Original Signed by Jeffrey M. Smith

Jeffrey M. Smith  
President  
TP Industrial, Inc.

Dated: November 17, 2005

Original signed by Mukul Agarwal

Mukul Agarwal  
Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control